



## MEMORANDUM

**DATE:** March 14, 2008

**TO:** ALL INTERESTED PARTIES

**FROM:** STATE PERSONNEL BOARD – Executive Office

**SUBJECT:** Notice and Agenda for the March 25, 2008, Meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on March 25, 2008, at the offices of the California State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item. Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any materials related to items considered in the public sessions of March 25, 2008, please visit the SPB website at <http://www.spb.ca.gov/about/board/agenda/index.htm> or contact staff in the Secretariat's Office via mail at State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-1028.

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone number above.

April Partington  
Secretariat's Office

Attachment

# **STATE PERSONNEL BOARD AGENDA**



**MARCH 25, 2008**

**SACRAMENTO, CA**



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • [www.spb.ca.gov](http://www.spb.ca.gov)

ARNOLD SCHWARZENEGGER, Governor



**BOARD MEETING – MARCH 25, 2008<sup>1</sup>**

Public and Closed Session Location

801 Capitol Mall, Room 150  
Sacramento, CA 95816

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<sup>1</sup> Sign Language Interpreter will be provided for Board Meeting upon request – contact Secretariat at (916) 653-1028.

9:00 a.m. – 11:00 a.m.  
(Or upon completion of business)

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

1. **ROLL CALL**
2. **REPORT OF THE EXECUTIVE OFFICER**  
- Suzanne M. Ambrose
3. **REPORT OF THE CHIEF COUNSEL**  
- Elise S. Rose
4. **REPORT ON LEGISLATION**  
- Elise S. Rose
5. **NEW BUSINESS**  
Items may be raised by Board Members for scheduling and discussion for future meetings.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

6. **EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**  
Deliberations to consider matters submitted at prior hearing.  
[Government Code Sections 11126(c)(3), 18653(3)].
7. **DELIBERATION ON NON-EVIDENTIARY CASES AND ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**  
Deliberations on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.  
[Government Code Sections 11126(c)(3), 18653].
8. **PENDING LITIGATION**  
Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.  
[Government Code sections 11126(e)(1), 18653].

California Highway Patrol, et al. v. State Personnel Board, et al.  
Sacramento Superior Court  
Case No. 34-2008-00002G14-CU-WM-GDS

California Department Corrections and Rehabilitation, et al. v. State Personnel Board, et al.

Sacramento Superior Court

Case No. 34-2007-00883875-CU-WM-GDS

Patrick McCollum v. State of California

United States District Court, Northern District of California

Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

Case No. C01-1351 TEH

9. **RECOMMENDATIONS TO THE LEGISLATURE**  
Deliberations on recommendations to the Legislature.  
[Government Code section 18653].
10. **RECOMMENDATIONS TO THE GOVERNOR**  
Deliberations on recommendations to the Governor.  
[Government Code section 18653].

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

11. **DISCUSSION OF UPCOMING BOARD MEETING SCHEDULED FOR APRIL 7, 2008, IN SACRAMENTO, CALIFORNIA.**

**BOARD ACTIONS:**

12. **ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF THE FEBRUARY 22, 2008 BOARD MEETING.**
13. **APPROVAL OF THE STATE PERSONNEL BOARD DRAFT STRATEGIC PLAN.**
14. **EVIDENTIARY CASES**

**A. BOARD CASES SUBMITTED**

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

- (1) **CASE NO. 05-4007EA**  
Appeal from denial of discrimination complaint  
**Classification:** Outside contractor  
**Department:** Department of Transportation  
Proposed decision rejected December 19, 2006.  
Pending oral argument April 3, 2007, Sacramento.

Oral argument continued.  
Oral argument heard July 10, 2007, Sacramento.  
Case ready for decision by FULL Board.

- (2) **CASE NO. 06-3014PA**  
Appeal from official reprimand  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
Petition for rehearing granted July 10, 2007.  
Transcript prepared.  
Pending oral argument October 9, 2007, Sacramento.  
Oral argument continued.  
Oral argument heard December 4, 2007, San Francisco.  
Case ready for decision by FULL Board.

- (3) **CASE NO. 05-3327A**  
Appeal from dismissal  
**Classification:** Medical Technical Assistant  
**Department:** Department of Corrections and Rehabilitation  
Proposed decision rejected July 10, 2007.  
Transcript prepared.  
Oral argument set for February 4-5, 2008, Sacramento.  
Oral argument continued.  
Oral argument heard March 4, 2008, Los Angeles  
Case ready for decision by FULL Board.

**B. CASES PENDING**

**ORAL ARGUMENTS**

These cases will be argued at this meeting or will be considered by the Board in closed session based on written arguments submitted by the parties.

**NONE**

**C. CHIEF COUNSEL RESOLUTIONS**

**NONE**

**COURT REMANDS**

These cases have been remanded to the Board by the court for further Board action.

**NONE**

**STIPULATIONS**

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

**NONE**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

**PROPOSED DECISIONS**

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) CASE NO. 07-1820**  
Appeal from rejection during probation  
**Classification:** Housing and Community Development Representative II  
**Department:** Department of Housing and Community Development
- (2) CASE NO. 07-3032**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation
- (3) CASE NO. 07-0837**  
Appeal from rejection during probation  
**Classification:** Tax Technician  
**Department:** Department of Child Support Services
- (4) CASE NO. 05-4495E**  
Appeal from denial of complaint of discrimination  
**Classification:** Associate Safety Engineer  
**Department:** Department of Department of Industrial Relations
- (5) CASE NO. 06-0817**  
Appeal from dismissal  
**Classification:** Industrial Relations Counsel IV  
**Department:** Department of Industrial Relations

- (6) **CASE NO. 06-2312**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation
- (7) **CASE NO. 07-1631**  
Appeal from five percent reduction in salary for six months  
**Classification:** Senior Medical Technical Assistant  
**Department:** Department of Corrections and Rehabilitation
- (8) **CASE NO. 07-2997**  
Appeal from dismissal  
**Classification:** Correctional Fire Captain  
**Department:** Department of Corrections and Rehabilitation
- (9) **CASE NO. 07-1769**  
Appeal from formal reprimand  
**Classification:** State Park Ranger  
**Department:** Department of Parks and Recreation
- (10) **CASE NO. 07-0791**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation
- (11) **CASE NO. 06-2382**  
Appeal from dismissal  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation
- (12) **CASE NO. 04-1490E**  
Appeal from Whistleblower Retaliation Complaint  
**Classification:** Microbiologist II  
**Department:** Department of Public Health

**PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT A PRIOR MEETING**

NONE

**PROPOSED DECISIONS AFTER BOARD REMAND**

NONE



**PROPOSED DECISIONS AFTER SPB ARBITRATION**

NONE

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) **CASE NO. 06-2734P**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections & Rehabilitation
- (2) **CASE NO. 06-3650NP**  
Appeal from dismissal  
**Classification:** Motor Vehicle Technician  
**Department:** Department of Motor Vehicles
- (3) **CASE NO. 07-1498P**  
Appeal from dismissal  
**Classification:** Staff Psychiatrist, CF  
**Department:** Department of Corrections & Rehabilitation
- (4) **CASE NO. 05-1473P**  
Appeal from ten percent reduction in salary  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation

**WHISTLEBLOWER NOTICE OF FINDINGS**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case previously decided pursuant to Government Code, section 19683 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

**F. PENDING BOARD REVIEW**

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **CASE NO. 07-0850A**  
Appeal from non-punitive termination  
**Classification:** Clinical Social Worker  
**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected September 24, 2007.  
Transcript prepared.  
Oral argument set for February 4-5, 2008, Sacramento.  
Oral argument continued.  
Oral argument set for March 3-4, 2008, Los Angeles.  
Oral argument continued.  
Oral argument set for April 7, 2008, Sacramento.

- (2) **CASE NO. 06-3747A**  
Appeal from dismissal  
**Classification:** Parole Agent I  
**Department:** Department of Corrections and Rehabilitation  
Proposed decision rejected January 8, 2008.  
Transcript prepared.  
Oral argument set for May 12-13, 2008, Sacramento.

- (3) **CASE NO. 07-2189A**  
Appeal from non-punitive termination  
**Classification:** Vocational Instructor (Welding)  
**Department:** Department of Corrections and Rehabilitation  
Proposed decision rejected March 4, 2008.  
Pending transcript.

**15. RESOLUTION EXTENDING TIME PURSUANT TO GOVERNMENT CODE SECTION 18671.1**

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

### **GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

## **16. NON-EVIDENTIARY CASES**

### **A. WITHHOLD APPEALS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

### **WITHHOLD FROM CERTIFICATION CASES HEARD BY A STAFF HEARING OFFICER**

**NONE**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

- (1) **CASE NO. 06-3117N**  
**Department:** California Department of Corrections and Rehabilitation  
**Classification:** Correctional Officer  
**Issue:** Suitability; negative employment history.
- (2) **CASE NO. 06-3284N**  
**Department:** California Department of Corrections and Rehabilitation  
**Classification:** Correctional Officer  
**Issue:** Suitability; three moving violations within one year of his CDCR application.
- (3) **CASE NO. 07-0446N**  
**Department:** California Highway Patrol  
**Classification:** Public Safety Dispatcher II  
**Issue:** Suitability; lack of honesty, integrity and good judgment.
- (4) **CASE NO. 06-3869N**  
**Department:** California Department of Transportation  
**Classification:** Landscape Maintenance Worker  
**Issue:** Suitability; illegal drug use.
- (5) **CASE NO. 06-2875N**  
**Department:** California Department of Corrections and Rehabilitation  
**Classification:** Correctional Officer  
**Issue:** Suitability; firearms prohibition.
- (6) **CASE NO. 06-2745N**  
**Department:** California Department of Corrections and Rehabilitation  
**Classification:** Correctional Officer  
**Issue:** Suitability; gang affiliation.
- (7) **CASE NO. 06-3825N**  
**Department:** Department of Veterans Affairs  
**Classification:** Custodian  
**Issue:** Suitability; poor attendance and inability to follow instructions.

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

**NONE**

**DISMISSED CASES**

**(1) CASE NO. 07-3382N**

**Classification:** Correctional Officer

**Department:** California Department of Corrections & Rehabilitation

**(2) CASE NO. 07-4931N**

**Classification:** Correctional Officer

**Department:** California Department of Corrections & Rehabilitation

**(3) CASE NO. 07-4188N**

**Classification:** Youth Correctional Officer

**Department:** California Department of Corrections & Rehabilitation

**C. EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**NONE**

**D. RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS, VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

**RULE 211**

**(1) CASE NO. 07-3341N**

**Classification:** Correctional Officer

**Department:** California Department of Corrections & Rehabilitation

**RULE 212**

**NONE**

**VOIDED APPOINTMENT**

**(1) CASE NO. 06-3491N**

**Classification:** Assistant Consultant in Teacher Preparation

**Issue:** Was the appointment of the appellant properly voided based on the fact that the appellant did not have eligibility to transfer to the ACTP classification and subsequent range B?

**Department:** California Commission on Teacher Credentialing

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

**1) CASE NO. 06-1806N**

**Department:** Department of Social Services

**Classification:** Custodian

**Issue:** The charging party requests to file charges for violations of various subsections of Government Code § 19572.

**PETITIONS FOR REHEARING CASES**

**NONE**

**17. NON-HEARING AGENDA**

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII of the California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is

scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend that the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

**A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**(1) RESPIRATORY CARE PRACTITIONER, CORRECTIONAL FACILITY AND DENTAL HYGIENIST, CORRECTIONAL FACILITY, DEPARTMENT OF CORRECTIONS AND REHABILITATION**

Proposed revisions to the Respiratory Care Practitioner, Correctional Facility, and the Dental Hygienist, Correctional Facility classes to accurately reflect the Department's title, update typical tasks and the minimum qualifications to reflect current accreditation requirements and licensure authority.

**(2) ALTERNATE RANGE CRITERIA (ARC) 24, 25, 269 AND 323, DEPARTMENT OF TRANSPORTATION**

The Department of Transportation proposes revisions to ARC 24 (Environmental Planner), ARC 25 (Transportation Planner), ARC 269 (Right of Way Agent), and ARC 323 (Rail Transportation Assistant), to mirror the recent changes to the Staff Services Analyst classification.

**(3) CALTRANS ADMINISTRATOR SERIES SPECIFICATION AND ALTERNATE RANGE CRITERIA 220 DEPARTMENT OF TRANSPORTATION**

Reallocation of current Assistant Caltrans Administrator incumbents to the Staff Services Analyst (General) class and current Associate Caltrans Administrator incumbents to the Associate Governmental Program Analyst class; proposed abolishment of Caltrans Administrator Series Specification and Alternate Range Criteria 220.

**B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

**NONE**

**18. STAFF AGENDA ITEMS FOR BOARD INFORMATION**

**NONE**

**19. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Operations Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**(1) ASSOCIATE DIRECTOR OF PESTICIDE PROGRAMS DIVISION**

The Department of Pesticide Regulation proposes to allocate the above position to the CEA category. The position will be



responsible for managing all aspects of the Enforcement, Environmental Monitoring, Medical Toxicology, Pest Management and Licensing, Pesticide Registration, Product Compliance and Worker Health and Safety Branches, as well as the County Agricultural Commission Liaison. The Associate Director serves as a senior member of the Executive Staff.

**(2) ASSISTANT DIRECTOR OF PESTICIDE PROGRAMS DIVISION**

The Department of Pesticide Regulation proposes to allocate the above position to the CEA category. The position will assist the Associate Director of Pesticide Programs Division with the management of all aspects of the Enforcement, Environmental Monitoring, Medical Toxicology, Pest Management and Licensing, Pesticide Registration, Product Compliance, and Worker Health and Safety Branches, as well as the County Agricultural Commission Liaison.

**(3) DIRECTOR OF COMMUNICATIONS**

The Department of Corrections and Rehabilitation, Plata Personnel Services proposes to allocate the above position to the CEA category. The position will have full responsibility and accountability for the overall strategy, policy direction, planning, organizing, staffing and directing activities to produce a clear and consistent message about health care services in the California prisons.

**(4) GENERAL COUNSEL**

The Department of Alcoholic Beverage Control proposes to allocate the above position to the CEA category. The position acts as legal advisor to the Director and has responsibility over the legal program which includes responsibility for planning, organizing, directing, coordinating, and reviewing the work of a professional legal staff; prepares legislation and represents the Department before the Legislature; formulating legal policy; and participating as a member of top management.

**(5) CHIEF, ACCESSIBILITY SECTION, ACQUISITION AND DEVELOPMENT DIVISION**

The Department of Parks and Recreation proposes to allocate the above position to the CEA category. The position advises the Executive Staff, Resources Agency, Department of Finance, Regulatory Boards and Commissions and the Governor's Office regarding accessibility policy matters.

**(6) DEPUTY DISTRICT DIRECTOR, ADMINISTRATION, DISTRICTS 3, 4, 6, 7, 8, 11**

The Department of Transportation proposes to allocate the above positions to the CEA category. The positions are responsible for all activities relating to the Administration programs in the District and develops and implements policies for offices of business management, budgets, health safety and EEO, public information and graphic services.

**(7) DEPUTY DISTRICT DIRECTOR, PROGRAM/PROJECT MANAGEMENT, DISTRICTS 3, 6, 7, 8, 11, 12**

The Department of Transportation proposes to allocate the above positions to the CEA category. The positions are responsible for policies and procedures governing the Project Management Program. The positions work with the District Director and Deputy District Directors to set project priorities. Positions have responsibility for developing annual workload estimates and negotiate the level of resources for the District's Capital Outlay Support Program.

**(8) DEPUTY DISTRICT DIRECTOR, DESIGN, DISTRICTS 3, 7, 8, 11, 12**

The Department of Transportation proposes to allocate the above positions to the CEA category. The positions are responsible for developing and implementing policies and procedures to direct Design staff which are involved in the development of plans, specifications, estimates, and design oversight for a variety of transportation projects.

**(9) DEPUTY DISTRICT DIRECTOR, MAINTENANCE, DISTRICTS 3, 9, 11, 12**

The Department of Transportation proposes to allocate the above positions to the CEA category. The positions are responsible for developing and implementing policy Guidelines and standards for maintenance work performed within the Districts. Positions recommend District maintenance program objectives and resource allocations; organize activities and directs personnel; develop policies and strategic plans relative to all facets of safe maintenance and operation of the state highway system.

**(10) DEPUTY DISTRICT DIRECTOR, CONSTRUCTION, DISTRICTS 3, 6, 8**

The Department of Transportation proposes to allocate the above positions to the CEA category. The positions are responsible for developing and implementing policies to coordinate all phases of the District's highway construction functions. Positions develop policies and strategic plans relative to all facets of safe construction

operations and security of the state highway system. Positions develop policy guidelines and standards for construction work performed within the District; organizes construction activities and directs personnel.

**(11) DEPUTY DISTRICT DIRECTOR, TRAFFIC OPERATIONS, DISTRICT 8**

The Department of Transportation proposes to allocate the above position to the CEA category. The position is responsible for developing and implementing policies to coordinate all phases of the District's traffic safety and operations activities, which reduces traffic congestion and improves safety. The position develops policies to improve and recommend operations projects to improve the performance of the existing highway system; develops policies and procedures in electrical design and reviews operations of electrical systems regulating traffic; develops policies and procedures for monitoring traffic and performance of the existing highway system; manages traffic for construction and maintenance activities, incidents, and special events.

**(12) CHIEF, DIVISION OF AERONAUTICS**

The Department of Transportation proposes to allocate the above position to the CEA category. The position is responsible for aviation and aerospace programs for the Department and for ensuring their integration with other Department programs. Develops and implements policies and procedures for the State's role in aviation. Represents the State and coordinates the State's aviation interest on a national, regional and state level.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**(1) PROJECT MANAGER, ENTERPRISE TRANSITION MANAGEMENT PROJECT**

The Public Employees Retirement System's request to allocate the above position has been approved effective January 30, 2008.

**(2) CHIEF, CONTINUING CARE, DIVISION OF ADDICTION AND RECOVERY SERVICES**

The Department of Corrections and Rehabilitation's request to allocate the above position has been approved effective February 11, 2008.

**(3) DEPUTY DIRECTOR, OFFICE OF ADMINISTRATIVE HEARINGS**

The Department of General Services' request to allocate the above position has been approved effective February 11, 2008.

**(4) CHIEF, TECHNOLOGY OFFICER**

The Board of Equalization's request to allocate the above position has been approved effective February 14, 2008.

**(5) ASSOCIATE DIRECTOR, SUPPORT OPERATIONS SECTION**

The Department of Corrections and Rehabilitation, Plata Personnel Services' request to allocate the above position has been approved effective February 21, 2008.

**(6) CHIEF, BUSINESS OPERATIONS UNIT**

The Department of Corrections and Rehabilitation, Plata Personnel Services' request to allocate the above position has been approved effective February 21, 2008.

**20. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**NONE**

**21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**NONE**

**22. BOARD ACTIONS ON SUBMITTED ITEMS**

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

**SUBMITTED**

**(1) TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services.  
(Hearing held December 3, 2002).

**(2) VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services.  
(Hearing held December 3, 2002).

**(3) TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added.  
(Presented to Board March 4, 2003).

**(4) PERSONAL SERVICES CONTRACT NO. 04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004).

**(5) CASE NO. 05-4007EA**

Appeal from denial of discrimination complaint. Outside contractor. Department of Transportation. (Oral argument held July 10, 2007).

**(6) CASE NO. 06-3014PA.** Appeal from official reprimand. Correctional Sergeant. Department of Corrections and rehabilitation. (Oral argument held on December 4, 2007).

**A D J O U R N M E N T**

**STATE PERSONNEL BOARD  
NON-HEARING CALENDAR  
RE: BOARD DATE MARCH 25, 2008**



## MEMORANDUM

**DATE:** March 25, 2008

**TO:** STATE PERSONNEL BOARD

**FROM:** MIKE STRAZZO, Merit Operations Division

**SUBJECT:** NON-HEARING AGENDA ITEMS FOR BOARD ACTION

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**(1) RESPIRATORY CARE PRACTITIONER, CORRECTIONAL FACILITY AND DENTAL HYGIENIST, CORRECTIONAL FACILITY, DEPARTMENT OF CORRECTIONS AND REHABILITATION**

Proposed revisions to the Respiratory Care Practitioner, Correctional Facility, and the Dental Hygienist, Correctional Facility classes to accurately reflect the Department's title, update typical tasks and the minimum qualifications to reflect current accreditation requirements and licensure authority.

**(2) ALTERNATE RANGE CRITERIA (ARC) 24, 25, 269 AND 323, DEPARTMENT OF TRANSPORTATION**

The Department of Transportation proposes revisions to ARC 24 (Environmental Planner), ARC 25 (Transportation Planner), ARC 269 (Right of Way Agent), and ARC 323 (Rail Transportation Assistant), to mirror the recent changes to the Staff Services Analyst classification.

**(3) CALTRANS ADMINISTRATOR SERIES SPECIFICATION AND ALTERNATE RANGE CRITERIA 220, DEPARTMENT OF TRANSPORTATION**

Reallocation of current Assistant Caltrans Administrator incumbents to the Staff Services Analyst (General) class and current Associate Caltrans Administrator incumbents to the Associate Governmental Program Analyst class; proposed abolishment of Caltrans Administrator Series Specification and Alternate Range Criteria 220.

TO: STATE PERSONNEL BOARD

FROM: Sandi Sale, Personnel Program Analyst  
Classification and Compensation Division

REVIEWED BY: Margie Imai, Program Manager I  
Classification and Compensation Division

Belinda Collins, Chief  
Classification and Compensation Division

SUBJECT: Proposed revisions to the Respiratory Care Practitioner, Correctional Facility and the Dental Hygienist, Correctional Facility classes to accurately reflect the Department's title, update typical tasks and the minimum qualifications to reflect current accreditation requirements and licensure authority.

SUMMARY OF ISSUES:

Respiratory Care Practitioner, Correctional Facility

In the late 1990's, the Joint Review Committee for Respiratory Therapy Education (JRCRTE) was abolished and its accreditation functions were subsequently transferred to the Committee on Accreditation for Respiratory Care (CoARC). The CoARC was established on January 1, 1998, and is the committee under the Commission on Accreditation of Allied Health Education Programs (CAAHEP) that is charged with developing the minimum standards and requirements necessary to enable graduates of respiratory therapy programs to enter their chosen profession with the requisite skills and knowledge. A revision is necessary to accurately reflect the accreditation requirements (from JRCRTE to CoARC) in the minimum qualifications.

Dental Hygienist, Correctional Facility

On June 15, 1993, the Dental Hygienist, Correctional Facility classification was established by the State Personnel Board. Effective January 1, 1998, there was a restructuring in the examination and licensing authority by the Legislation. The licensing authority is now the Committee on Dental Auxiliaries (COMDA) of the Dental Board of California. COMDA is a statutorily created committee within the Dental Board of California. It operates under the direction of the Board, but is also an independent entity in terms of composition, operations, and staffing. A revision is necessary to accurately reflect the current licensing authority in the minimum qualifications. Additionally, minor updates to the typical tasks are necessary in order to reflect current dental policies, practices and procedures.



CONSULTED WITH:

Daphne Baldwin, State Personnel Board  
Dave Lopez, State Personnel Board  
Kathy Olson, California Department of Corrections and Rehabilitation  
Kay Norris, California Department of Corrections and Rehabilitation  
Jacquelyn Cervantes, Department of Personnel Administration

In accordance with the terms of the Department of Personnel Administration (DPA) and the Service Employees International Union (SEIU) contract, DPA has notified the union in writing of this proposal.

CLASSIFICATION CONSIDERATIONS:

See attached background information and job specifications.

RECOMMENDATION:

That the proposed revised specifications for the following classes as shown in this calendar be adopted:

Respiratory Care Practitioner, Correctional Facility

Dental Hygienist, Correctional Facility

# CALIFORNIA STATE PERSONNEL BOARD

## SPECIFICATION

Schematic Code: TH35  
Class Code: 9298  
Established: 6/15/93  
Revised: --  
Title Changed: --

### DENTAL HYGIENIST, CORRECTIONAL FACILITY

#### DEFINITION

Under the clinical direction and clinical supervision of a licensed dentist, in a State correctional facility in the California Department of Corrections and Rehabilitation, to assist dentists in providing oral health care to patients; to develop and conduct an educational preventive oral health program for patients ~~and concerned institutional personnel~~; to take and process dental x-rays; to maintain order and supervise the conduct of inmates; to protect and maintain the safety of persons and property; and to do other related work.

#### TYPICAL TASKS

Removes all supragingival and subgingival traces of tartar, plaque, and calculus deposits, accretions, and stains from the teeth with hand and mechanized instruments; conducts instrumental examination of teeth and surrounding tissues for carious lesions, periodontal pockets, and other abnormal conditions; exposes and processes dental roentgenograms (radiographs); administers topical application of fluoride solutions to the teeth; administers prescribed medicaments to the gingiva; applies prescribed desensitizing agents; instructs patients in oral ~~physical therapy~~ hygiene and toothbrush techniques ~~and oral hygiene~~; motivates patients to accept and follow professional dental advice; may provide bedside prophylaxis; conducts classes in oral hygiene for Dental Assistants and nursing service personnel and others responsible for personal oral hygiene; obtains and records basic medical and dental histories and information; records evaluation of mouth ~~condition and extent of prophylaxis~~ and oral health conditions on dental chart; conducts preliminary examination, including, but not limited to, periodontal charting, intra- and extra-oral examination of soft tissue, classification of occlusion, mouth mirror examination of oral cavity, including charting of obvious lesions, existing restoration, and missing teeth; removes sutures; removes orthodontic bands; maintains dental records; cleans, sharpens, and sterilizes instruments; maintains order and supervises the conduct of persons committed to the California Department of Corrections and Rehabilitation; prevents escapes and injury by these persons to themselves, others, or to property; maintains security of working

areas and work materials; and inspects premises and searches inmates, wards, residents, or patients for contraband, such as weapons or illegal drugs.

#### MINIMUM QUALIFICATIONS

Possession of the legal requirements to practice as a Dental Hygienist as determined by the California Committee on Dental Auxiliaries (COMDA) of the Dental Board of ~~Dental Examiners~~ California. (Applicants who are in the process of securing approval of their qualifications by the Board of Dental Examiners COMDA will be admitted to the examination, but they must possess all legal requirements as determined by that Board COMDA before they will be eligible for appointment.)

#### KNOWLEDGE AND ABILITIES

Knowledge of: Methods and principles of dental hygiene and skill in their application; dental histology; dental radiography; anatomy; physiology; microbiology; pharmacology; anesthesia; and principles of ~~nursing and~~ oral hygiene.

Ability to: Tactfully obtain cooperation of patients; instruct ~~patients and institutional staff~~ in oral hygiene techniques; motivate patients to accept and follow professional dental advice; identify pathological conditions; and maintain effective working relationships with health care professionals and others.

#### SPECIAL PERSONAL CHARACTERISTICS

Empathetic understanding of patients of a State correctional facility; willingness to work in a State correctional facility; emotional stability; patience; tact; alertness; and keenness of observation.

#### SPECIAL PHYSICAL CHARACTERISTICS

Persons appointed to this position must be reasonably expected to have and maintain sufficient strength, agility, and endurance to perform during stressful (physical, mental, and emotional) situations encountered on the job without compromising their health and well-being or that of their fellow employees or that of inmates.

Assignments may include sole responsibility for the supervision of inmates and/or the protection of personal and real property.

# CALIFORNIA STATE PERSONNEL BOARD

## SPECIFICATION

Schematic Code: TR80  
Class Code: 9316  
Established: 6/15/93  
Revised: --  
Title Changed: --

### RESPIRATORY CARE PRACTITIONER, CORRECTIONAL FACILITY

#### DEFINITION

Under general medical supervision, in a State correctional facility in the California Department of Corrections and Rehabilitation, to assist in the evaluation of pulmonary dysfunction in clients/inmates; to provide care and treatment for clients with pulmonary disorders by means of respiratory therapy, chest physical therapy, and ventilatory assistance; to maintain order and supervise the conduct of inmates; to protect and maintain the safety of persons and property; and to do other related work.

#### TYPICAL TASKS

Tests and measures pulmonary abnormalities in clients with respiratory disorders by such means as spirometry, pulse oximetry, arterial blood gases, sputum inductions and through objective assessment; administers chest physical therapy, including use of incentive spirometry, percussion, chest vibration and postural drainage; provides supplemental oxygen as governed by arterial blood gases and pulse oximetry upon the order of a physician; administers pharmacologic agents and humidification with oxygen or compressed air; provides ventilatory assistance to conscious and unconscious clients, maintaining parameters established by the physicians; observes and records vital parameters in treatments and procedures and reports unusual occurrences to medical staff; trains clients in the use of metered dose inhalers, improved breathing techniques and bronchial hygiene; trains and supervises medical staff in the use of both passive and pressure breathing apparatus, the administration of oxygen to the clients and in the application of such therapeutic techniques as postural drainage, percussion and vibration; responds to medical emergencies with the responsibility of drawing arterial blood gases and maintaining a patient's airway through the natural airway or through oral intubation; provides pulmonary toilet in clients with endotracheal or tracheostomy tubes; operates and maintains respiratory therapy equipment in good working and in sanitary condition; orders necessary equipment and supplies; maintains order and supervises the conduct of persons committed to the California Department of Corrections and Rehabilitation; prevents escapes and injury by these persons to themselves, others or to property; maintains security of

working areas and work materials; and inspects premises and searches inmates for contraband, such as weapons or illegal drugs.

#### MINIMUM QUALIFICATIONS

Education: Graduation from ~~a school of an approved respiratory therapy approved by the American Medical Association Council on Medical Education for Training of Respiratory Therapists program~~ accredited by the Committee on Accreditation for Respiratory Care or ~~one supported by its predecessor,~~ the Joint Review Committee for Respiratory Therapy Education.

and

A ~~certificate~~ license to practice Respiratory Care issued by the ~~Division of Allied Health Profession of the Medical Board of California~~ Respiratory Care Board of California.

#### KNOWLEDGE AND ABILITIES

Knowledge of: Fundamentals of cardiopulmonary physiology, fluids, and electrolytes; recognition, interpretation, and recording of signs and symptoms of respiratory dysfunction and medication side effects, particularly those that require notification of a physician; initiation and maintenance of cardiopulmonary resuscitation and other life support procedures; prevention of contamination and of transfer of infection through appropriate aseptic techniques; mechanics of ventilation and ventilator function; principles of airway maintenance including endotracheal and tracheostomy care; effective and safe use of equipment for administering oxygen and other therapeutic gases, and for providing humidification, nebulization, and medication; pulmonary function testing and blood gas analysis; methods that assist in the removal of secretions from the bronchial tree, such as hydration, breathing and coughing exercises, postural drainage, therapeutic percussion and vibration, and mechanical clearing of the airway through proper suctional technique; procedures and observations to be followed during and after extubation; recognition of, and attention required for, the psychological needs of the clients; basic principles of training and supervision; and basic pathology of respiratory disorders and nursing care.

Ability to: Perform various respiratory therapy procedures safely and effectively; apply emergency methods of cardiopulmonary resuscitation; employ appropriate tests and measures for evaluation of pulmonary dysfunction and to properly interpret results; obtain the confidence and cooperation of clients; and analyze situations accurately and take appropriate action.

SPECIAL PERSONAL CHARACTERISTICS

Empathetic understanding of patients of a State correctional facility; willingness to work in a State correctional facility; tact; alertness; keenness of observation; aptitude for and interest in working with acute and chronically ill respiratory clients; sympathetic understanding of respiratory clients, their attitudes, and problems; willingness to comply with prescribed procedures; patience and emotional stability; and aptitude and interest in working with long-term ventilator and immunosuppressed dependent clients.

SPECIAL PHYSICAL CHARACTERISTICS

Persons appointed to this position must be reasonably expected to have and maintain sufficient strength, agility, and endurance to perform during stressful (physical, mental, and emotional) situations encountered on the job without compromising their health and well-being or that of their fellow employees or that of inmates.

Assignments may include sole responsibility for the supervision of inmates and/or the protection of personal and real property.

# Memorandum

Date : July 12, 2007

To : Jennifer Roche  
Policy Consultation  
State Personnel Board  
801 Capitol Mall  
Sacramento, CA 95814

Subject: **STAFF CALENDAR ITEM – CLASSIFICATION CHANGES- RESPIRATORY CARE PRACTITIONER, CORRECTIONAL FACILITY (CF)**

## **SUMMARY OF ISSUES:**

On June 15, 1993, the California Department of Corrections and Rehabilitation (CDCR) established the department-specific Respiratory Care Practitioner, (CF) classification to assist in the evaluation of pulmonary dysfunction in clients/inmates; to provide care and treatment for clients with pulmonary disorders by means of respiratory therapy, chest physical therapy and ventilatory assistance, and to provide diagnostic and treatment services to inmates and youthful offenders. Prior to the establishment of this class, the requirement for the Respiratory Care Practitioner was graduation from a school of respiratory therapy approved by the American Medical Association Council on Medical Education for Training of Respiratory Therapists or one supported by the Joint Review Committee for Respiratory Therapy Education (JRCRTE). Additionally, a certificate to practice Respiratory Care issued by the Division of Allied Health Profession (DAHP) of the Medical Board of California was required.

In the late 1990's, the JRCRTE was abolished and its accreditation functions were subsequently transferred to the Committee on Accreditation for Respiratory Care (CoARC). The CoARC was established on January 1, 1998 and is the committee under the Commission on Accreditation of Allied Health Education Programs (CAAHEP) that is charged with developing the minimum standards and requirements necessary to enable graduates of respiratory therapy programs to enter their chosen profession with the requisite skills and knowledge. CoARC is also charged with approving and accrediting all respiratory programs. In accordance with SB 363, the Business and Professions Code section 3740(a) was amended to state: "Except as otherwise provided in this chapter, all applicants for licensure shall have completed an education program for respiratory care that is accredited by the Commission on Accreditation of Allied Health Education Programs and been awarded a minimum of an associate degree from an institution or university accredited by a regional accreditation agency or association recognized by the United States Department of Education."

Additionally, when the Respiratory Care Board of California (RCB) was established in the early 1980's, its jurisdiction fell under the DAHP of the Medical Board. On July 1, 1994, the RCB became an autonomous board when the DAHP was dissolved.

Currently, the Minimum Qualifications (MQ's) reflect the old language referencing these institutions that are obsolete. The MQ's need to be revised to reflect the updated information referencing the current entities.

**RECOMMENDED CHANGE:**

That the board adopts the revised MQ's for the Respiratory Care Practitioner, CF and omit the old requirements. This change will be non-substantive and will not increase the existing MQ's or restrict future candidate pools. It will instead allow both JRCRTE certified candidates as well as CoARC eligible applicants into the exam.

**JUSTIFICATION:**

The purpose for the changes to the MQ's is to update the existing outdated MQ's and bring them up to date. The CoARC is the accepted RCB's body responsible for the accreditation for respiratory therapy education. The language referencing the CoARC will replace the JRCRTE language, listing it as the predecessor. The DAHP needs to be deleted and replaced with the RCB. In summary, to satisfy the minimum education requirement, applicants for licensure must now show evidence that they have completed a CoARC-approved program.

KAY NORRIS

Chief

Office of Personnel Services

Enclosure

cc: Melinda Lorenz, OPS Analyst



# Memorandum

Date : August 31, 2007

To : Jennifer Roche  
Policy Consultation  
State Personnel Board  
801 Capitol Mall  
Sacramento, CA 95814

Subject: **STAFF CALENDAR ITEM – REVISION OF CLASSIFICATION SPECIFICATION –  
DENTAL HYGIENIST, CORRECTION FACILITY**

## Background/Summary of Issues:

The class action law suit of *Perez vs. Tilton* was filed in United States District Court in December 2005, and a stipulation order was entered in April 2006. The action alleged that inmates were not receiving constitutionally adequate dental care as required by the Eighth Amendment to the United States Constitution (USC). In particular, the suit alleged that the California Department of Corrections and Rehabilitation (CDCR) failed to provide a system for delivery of dental care that ensured inmates' serious dental needs were addressed in a timely manner. Due to that failure, the suit alleged inmates suffered severe and unnecessary pain as well as permanent and unnecessary damage to their health. Under established case law, a conscious failure to provide timely access to staff, facilities, equipment and procedures to diagnose and treat serious medical problems may constitute deliberate indifference. "Deliberate indifference to serious medical needs" is a violation of the Eighth Amendment's prohibition against cruel and unusual punishment. The CDCR entered into informal negotiations with the Prison Law Office in an effort to resolve their contention that the Department is violating the Eighth Amendment by providing inadequate dental care to inmates in its Inmate Dental Services Program. The stipulation order requires the CDCR to implement the necessary dental policies and procedures to meet at least the minimum level of dental care necessary to fulfill the Defendant's obligations under the Eighth Amendment of the USC.

To meet the requirements of the *Perez Stipulation Order*, the CDCR's Dental Program must hire a significant number of new staff, many of which will be Dental Hygienists (DH), Correctional Facility (CF). *The Report of Court Experts* dated January 26, 2007, recommends an inmate to DH ratio of 1200 to 1. Using the recommended ratio, the CDCR will require 141 DHs given a census of 170,000 inmates. Currently, there are no DHs in the CDCR.

The CDCR Dental Policies and Procedures identifies several tasks that fall within the core competencies of DHs. DHs are key players in the management of periodontal disease. By virtue of their education and professional emphasis, they are better suited to perform these tasks than are dentists. DHs are the dental program members with the most

training in oral health education and oral prophylaxis (teeth cleaning). Consequently, the presence of DHs is essential in the treatment of early periodontal disease and maintaining the oral health of a population via direct care and education programs. While dentists are capable of performing oral prophylaxis and providing oral health education, they do not perform those procedures under most circumstances. DHs have had training in developing and implementing oral health education programs while dentists do not, so DHs should be overseeing the oral self-care education portion of the dental program as well as the clinical oversight of the dental assistants identified for self-care education. According to *the Report of Court Experts*, DHs are an integral part of the institutional dental programs in the military, Department of Veterans Affairs, and Federal Bureau of Prisons. Therefore, DHs in the dental delivery system are a standard of care, and a system without substantial DH participation cannot provide an adequate quality of care.

On June 15, 1993, the DH, CF classification was established by the State Personnel Board. At that time, the Minimum Qualifications (MQs) were “possession of the legal requirements to practice as a DH as determined by the California Board of Dental Examiners.” Since then, there has been a restructuring in the examination and licensing authority in the state of California. Now, the MQs should be “possession of the legal requirements to practice as a DH as determined by the Committee on Dental Auxiliaries (COMDA) of the Dental Board of California.” COMDA is a statutorily created committee within the Dental Board of California. It operates under the direction of the Board, but is also an independent entity in terms of composition, operations, and staffing. Legislation, effective January 1, 1998, placed into law the duties that the Dental Board of California had historically delegated to COMDA, including administration of examination, qualification, and licensing processes related to dental auxiliaries.

Due to the timing difference between when the classification specification was written and when the reorganization of the examination and licensing authority occurred, a revision of the classification specification is required to make the necessary correction to the MQs to show the current licensing requirements.

Also, the Department would like to update the typical tasks described in the classification specification to bring them up to date with current dental policies, practices, and procedures.

### **Recommended Change:**

It is recommended that the Board adopt the revised specification for the DH, CF class.

### **Justification:**

The purpose of the revision is to update the MQs by removing the outdated licensing requirements and including the up-to-date licensing requirements. A DH must be licensed to practice in California. The COMDA issues and renews all California dental

auxiliary licenses for the Dental Board of California. Since each licensee must renew their license every two years, previously licensed DHs would have transitioned to the new MQs by this time, and new DHs will automatically meet the updated MQs at the time of licensure. The change will be non-substantive since the existing MQs will not be increased and future candidate pools will not be restricted.

KAY NORRIS

Chief

Office of Personnel Services

Attachment

TO: STATE PERSONNEL BOARD

FROM: Bob Means  
Personnel Management Analyst  
Department of Transportation

REVIEWED BY: Patty Wait, Office Chief  
Classification and Hiring Services  
Department of Transportation

SUBJECT: Revisions to the Alternate Range Criteria for Right Of Way Agent, Transportation Planner, Environmental Planner, Environmental Planner (Archeology), Environmental Planner (Architectural History), and Environmental Planner (Natural Sciences) and Rail Transportation Assistant

SUMMARY OF ISSUES:

Proposed revisions to Alternate Range Criteria 24, 25, 269, and 323 affiliated with the classes of Right of Way Agent, Transportation Planner, Environmental Planner, Environmental Planner (Archeology), Environmental Planner (Architectural History), Environmental Planner (Natural Sciences), and Rail Transportation Assistant. The proposed revisions are patterned after the recent changes made to Staff Services Analyst (General) Alternate Range Criteria and will allow for the effective recruitment of college graduates.

CONSULTED WITH:

Bimla Rhinehart, Department of Transportation  
Chris Hatfield, Department of Transportation  
Jay Norvell, Department of Transportation  
Joan Sollenberger, Department of Transportation  
Sheila Mone, Department of Transportation  
Debra Thompson, Department of Transportation  
Joey Herrera, Department of Personnel Administration  
Barbara Hudson, Department of Personnel Administration  
Janet Wight, Department of Conservation  
Jennifer Dong, Department of Water Resources  
Daphne Baldwin, State Personnel Board  
Dave Lopez, State Personnel Board

## CLASSIFICATION CONSIDERATIONS:

On July 10, 2007, the State Personnel Board adopted revisions to the Staff Services Analyst (General) class to allow for the effective recruitment of college graduates. This item proposes similar revisions to the Right of Way Agent, Transportation Planner, Environmental Planner, Environmental Planner (Archeology), Environmental Planner (Architectural History), Environmental Planner (Natural Sciences), and Rail Transportation Assistant classifications used by the Department of Transportation (Department) to enhance the recruitment of college graduates. It is critical that the Department maintain these classifications because the duties performed and the education required are essential to the development of transportation projects.

Specific changes include the following:

Amend the Alternate Range Criteria (ARC) for Right of Way Agent, Transportation Planner, Rail Transportation and Environmental Planner including the specialties of Archeology, Architectural History and Natural Sciences, to enhance the recruitment of college graduates.

The revised ARC patterns resemble the education language of the Staff Services Analyst (General) ARC 69 and are effective April 1, 2008.

## RECOMMENDATIONS:

Effective April 1, 2008, the following recommendations are adopted by the State Personnel Board.

1. That the proposed Alternate Range Criteria for the classes of Right of Way Agent, Transportation Planner, Environmental Planner, Environmental Planner (Archeology), Environmental Planner (Architectural History), Environmental Planner (Natural Sciences), and Rail Transportation Assistant as shown in this calendar be adopted.
2. That the Alternate Range Criteria for these classes be amended as follows:

### ENVIRONMENTAL PLANNER - ALTERNATE RANGE CRITERIA 24

Range A. This range shall apply to incumbents who do not meet the criteria for payment in Range B or Range C.

Range B. This range shall apply to persons who have satisfactorily the equivalent of six months of Environmental Planner activities in a governmental, urban or regional setting with duties similar to those of an Environmental Planner or have completed one year of graduate work in social science, natural science, or the environmental design arts. (Less than one year of graduate

work cannot be combined with experience in meeting the criteria for Range B.)

Range C. This range shall apply to persons who have graduated from a recognized four-year accredited college or university; or who have satisfactorily completed the equivalent of 12 months of Environmental Planner (Range B) experience; and may apply to persons who have the equivalent of 18 months of satisfactory experience outside of the State service in a governmental, urban or regional setting performing duties similar to those of an Environmental Planner.

When the requirements for the particular criteria are met and upon recommendation of the appointing power, the employee shall receive a rate under the provisions of DPA Rule 599.674, except that upon movement to Range C, the provisions of DPA Rule 599.676 shall apply.

#### TRANSPORTATION PLANNER - ALTERNATE RANGE CRITERIA 25

Range A. This range shall apply to incumbents who do not meet the criteria for payment in Range B or Range C.

Range B. This range shall apply to persons who have satisfactorily completed the equivalent of six months of Transportation Planner experience or six months' experience performing transportation planning activities in a governmental, regional, or local setting with duties similar to those of a Transportation Planner or have completed one year of graduate work in transportation planning, economics, urban studies, geography, public administration, sociology, regional planning, civil engineering, or regional studies, urban planning, city planning, public policy, or environmental policy or studies. (Less than one year of graduate work cannot be combined with experience in meeting the criteria for Range B.)

Range C. This range shall apply to persons who have graduated from a recognized four-year accredited college or university; or who have satisfactorily completed the equivalent of 12 months of experience in transportation planning beyond that required for appointment to Range B.

When the requirements for the particular criteria are met and upon recommendation of the appointing power, the employee shall receive a rate under the provisions of DPA Rule 599.674, except that upon movement to Range C, the provisions of the DPA Rule 599.676 shall apply.

## RIGHT OF WAY AGENT - ALTERNATE RANGE CRITERIA 269

Range A. This range shall apply to incumbents who do not meet the criteria for payment in Range B.

Range B. This range shall apply to incumbents who have graduated from a recognized four-year accredited college or university; or who have satisfactorily completed 12 months as a Right of Way Agent, Range A, or either: Experience: Three years of experience in the acquisition of lands and rights of way for governmental or public utility use including at least one year of experience negotiating for the donation or purchase of lands, improvements and rights of way for transportation facilities, or other public purposes. Or Experience: Four years of experience in appraisal or acquisition work involving fair market value as applied to transfer and sale of real property. (Experience in real estate sales or transfers will not be considered equivalent to the appraisal or acquisition work referred to in this requirement.) and Education: Equivalent to graduation from college (additional qualifying experience may be substituted for the required education on a year-for-year basis).

When the requirements for the particular criteria are met and upon recommendation of the appointing power, the employee shall receive a rate under the provisions of DPA Rule 599.676.

## RAIL TRANSPORTATION ASSISTANT – ALTERNATE RANGE CRITERIA 323

Range A. This range shall apply to persons who do not meet the criteria for Range B.

Range B. This range shall apply to persons who have satisfactorily completed the equivalent of six months of Rail Transportation Assistant experience or six months' experience performing rail transportation activities in a governmental, regional, or local setting with duties similar to those of a Rail Transportation Assistant or who have completed one year of graduate work in transportation planning, economics, urban studies, geography, public administration, sociology, regional planning, civil engineering, or environmental policy or studies. (Less than one year of graduate work cannot be combined with experience in meeting the criteria for Range B.)

Range C. This range shall apply to persons who have graduated from a recognized four-year accredited college or university; or who have satisfactorily completed the equivalent of 12 months of

experience in California State service in rail transportation beyond that required for appointment to Range B.

When the requirements for the particular criteria are met and upon recommendation of the appointing power, the employee shall receive a rate under the provisions of DPA Rule 599.674, except for movement from Range B to C, the provisions of DPA Rule 599.676 shall apply.



TO: STATE PERSONNEL BOARD

FROM: Bob Means  
Personnel Management Analyst  
Department of Transportation

REVIEWED BY: Patty Wait, Office Chief  
Classification and Hiring Services  
Department of Transportation

SUBJECT: Proposed reallocation of current Assistant Caltrans Administrator incumbents to the Staff Services Analyst (General) class and current Associate Caltrans Administrator incumbents to the Associate Governmental Program Analyst class; and proposed Abolishment of the Caltrans Administrator Series Specification and Alternate Range Criteria 220.

SUMMARY OF ISSUES:

The Department of Transportation (DOT) proposes to reallocate the existing incumbents in the Caltrans Administrator Series Specification as follows: Assistant Caltrans Administrator to Staff Services Analyst (General) and Associate Caltrans Administrator to Associate Governmental Program Analyst. In addition, DOT proposes to abolish the Caltrans Administrator Series Specification and related Alternate Range Criteria 220.

CONSULTED WITH:

Camille Goodwin-Boyd, Department of Personnel Administration  
Belinda Collins, Department of Personnel Administration  
Daphne Baldwin, State Personnel Board  
Mike Strazzo, State Personnel Board  
Dave Lopez, State Personnel Board  
Debra Thompsen, Department of Transportation

In accordance with the terms of the DPA/SEIU contract, DPA has notified the union in writing of this proposal.

CLASSIFICATION CONSIDERATIONS:

On January 30, 2008, DPA identified classifications suitable for conversion to the Staff Services Analyst (General) and Associate Governmental Program Analyst classifications. The DOT agrees with DPA's assessment and is proposing to use the servicewide classes rather than the Caltrans Administrator Series Specification. DOT's proposed recommendations support the State's desire to

consolidate similar classes whenever feasible and are also in the spirit of the Human Resource Modernization efforts underway by the DPA and SPB.

Please See Attached.

#### RECOMMENDATIONS:

1. That incumbents in the class of Assistant Caltrans Administrator be reallocated by Board Action to the classification of Staff Services Analyst (General).
2. That incumbents in the class of Associate Caltrans Administrator be reallocated by Board Action to the classification of Associate Governmental Program Analyst.
3. That the following resolutions be adopted effective April 1, 2008.

#### RESOLUTIONS:

Effective April 1, 2008, the following resolutions are adopted by the State Personnel Board.

(a) WHEREAS the State Personnel Board on July 10, 2007, revised the class of Staff Services Analyst (General); and the duties and responsibilities and the corresponding alternate range levels of the deep class are substantially included in the existing class of Assistant Caltrans Administrator; and

WHEREAS the knowledge and abilities required for the Assistant Caltrans Administrator class were substantially tested for in the examination for the class of Staff Services Analyst (General): Therefore be it

RESOLVED that each person with civil service status in the deep class of Assistant Caltrans Administrator (Alternate Ranges A, B, C) in Column 1 on April 1, 2008 shall be reallocated to the corresponding deep class as indicated in Column II, and hereby granted the same civil service status in the class of Staff Services Analyst (General) without further examination.

#### Column I

#### Column II

Assistant Caltrans Administrator (Range A)	Staff Services Analyst (General) (Range A)
Assistant Caltrans Administrator (Range B)	Staff Services Analyst (General) (Range B)
Assistant Caltrans Administrator (Range C)	Staff Services Analyst (General) (Range C)

(b) WHEREAS the State Personnel Board recognizes the duties and responsibilities of the Associate Governmental Program Analyst are substantially included in the existing class of Associate Caltrans Administrator; and

WHEREAS the knowledge and abilities required for the Associate Governmental Program Analyst class were substantially tested for in the examination for the class of Associate Caltrans Administrator: Therefore be it

RESOLVED that each person with civil service status in the class of Associate Caltrans Administrator in Column I on April 1, 2008 shall be reallocated and hereby granted the same civil service status in the class of Associate Governmental Program Analyst in Column II, without further examination; and be it further

Column I

Column II

Associate Caltrans Administrator    Associate Governmental Program Analyst

RESOLVED that any existing employment lists other than reemployment lists established for Associate Caltrans Administrator shall be used to certify to fill vacancies in the class of Associate Governmental Program Analyst until such lists are abolished, exhausted, or superseded by lists for the class of Associate Governmental Program Analyst, and persons on any existing reemployment lists for Associate Caltrans Administrator shall also be placed on reemployment lists for the class of Associate Governmental Program Analyst until expiration of their eligibility on reemployment lists for the class of Associate Caltrans Administrator.

4. That the Caltrans Administrator Series Specification, including the classes of Assistant Caltrans Administrator and Associate Caltrans Administrator be abolished.
5. That Alternate Range Criteria 220, related to the Caltrans Administrator Series Specification, be abolished.

## B. CLASSIFICATION CONSIDERATIONS

### **ASSISTANT CALTRANS ADMINISTRATOR ASSOCIATE CALTRANS ADMINISTRATOR**

#### **BACKGROUND**

- 1. Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.**

The Assistant Caltrans Administrator and Associate Caltrans Administrator classes are used in transportation line and support programs including: planning, programming, and monitoring transportation projects; capital outlay analysis; revenue forecasting; Federal-Aid coordination; resource management; labor compliance; claims; contract preparation; business services; safety; program evaluation; planning and policy analysis; legislative affairs; management and administrative analysis; and personnel management services.

The Staff Services Analyst (General) (SSA) class describes positions that perform analytical work in one or more areas of a broad range of governmental and managerial problems. Incumbents perform work of average difficulty in a wide variety of consultative and analytical staff service assignments such as program evaluation and planning, systems development, management planning, and personnel analysis. The Associate Governmental Program Analyst (AGPA) classification describes positions that are the full journey level and perform the more responsible, varied, and complex technical and analytical staff service assignments.

Similar to the SSA class, the Assistant Caltrans Administrator (ACA) class describes positions that perform professional-level technical and/or analytical administrative or staff activities. Also similar to the SSA class incumbents in the ACA class perform work of average difficulty in a wide variety of consultative and analytical staff service assignments as described above. The Department uses the SSA eligible list to make appointments to ACA positions.

On July 10, 2007 the State Personnel Board (SPB) adopted revisions to the SSA class to allow for the effective recruitment of college graduates. Incumbents who are college graduates and meet the new criteria will be eligible for appointment to SSA, Range C. The Alternate Range Criteria for the ACA class has no such provision. In addition, the SPB established a lateral transfer policy for which transfers into the SSA class will be accomplished only by successful passage of the transfer SSA written examination. The Department uses the standard lateral transfer policy into the ACA class and intends to use the SSA lateral transfer examination.

The Associate Caltrans Administrator is the full journey level equivalent to the servicewide class of AGPA. Positions allocated to this associate level perform the more responsible, varied and complex professional-level technical or analytical administrative work within Caltrans. The AGPA and Associate Caltrans Administrator classes are similar in scope, level of responsibility, and work assignments. The minimum qualifications are similar with the exception that the Associate Caltrans Administrator class has slightly higher academic requirements.

The Department requests that:

1. The ACA class and Alternate Range Criteria 220 be abolished and incumbents be reallocated by board action. The ACA will be replaced with the SSA class, examination process, lateral transfer policy and Alternate Range Criteria 69.

2. The Associate Caltrans Administrator be abolished and incumbents be reallocated by board action. The AGPA class will replace the Associate Caltrans Administrator.

These proposed actions are supported by DPA's concurrence and recommendations outlined in a January 30, 2008 memorandum that identified classes suitable for conversion to the SSA and AGPA classes.

## **CLASSIFICATION CONSIDERATIONS**

2. **What classification do the subject classes report to?**

Staff Services Manager I.

3. **Will the subject classes supervise? If so, what class(es)?**

No.

4. **What are the specific duties of the subject classes?**

N/A

5. **What is the decision making responsibility of the subject classes?**

N/A

6. **What would be the consequence of error if incumbents in the subject class(es) did not perform their job? (Program problems, lost funding, public safety compromised, etc.)**

N/A

7. **What are the analytical requirements expected of incumbents in the subject class(es)?**

N/A

8. **What are the purpose, type and level of contacts incumbents in the subject class(es) make?**

N/A

## **NEED FOR NEW CLASS (if necessary)**

9. **For new classes only: what existing classes were considered and why were they not appropriate?**

N/A

## **MINIMUM QUALIFICATIONS**

10. **What are the proposed or minimum qualifications of the subject class(es), and why are they appropriate ( Include inside ad outside experience patterns).**

ASSISTANT CALTRANS ADMINISTRATOR  
Proposed to be abolished.

## ASSOCIATE CALTRANS ADMINISTRATOR

Proposed to be abolished

### **PROBATIONARY PERIOD**

**11. If a probationary period other than six months is proposed, what is the rationale?**

N/A

### **STATUS CONSIDERATIONS**

**12. What is the impact on current incumbents?**

Current incumbents in the Assistant Caltrans Administrator class will be reallocated to the Staff Services Analyst (General) class at the appropriate range. Those who are college graduates and meet the alternate range criteria will be eligible to be appointed to Staff Services Analyst (General), Range C. Current employees in the Associate Caltrans Administrator class will be reallocated to AGPA.

**13. Will current employees move by examination, transfer, reallocation, split-off, etc? Explain rationale.**

All current employees in both classes will move by reallocation.

### **CONSULTED WITH**

**14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.**

None.



## MEMORANDUM

**DATE:** March 25, 2008

**TO:** STATE PERSONNEL BOARD

**FROM:** MIKE STRAZZO, Merit Operations Division

**SUBJECT: STAFF AGENDA ITEMS FOR BOARD INFORMATION**

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**NONE PRESENTED**